IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1372 OF 2007

1.Shiv Bachan Ramagya Rajbhor, &
2.Pritam Shiv Bachan Rajbhor. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.Uday P. Warunjikar, Adv. for the Applicants.
Mr.S.S.Pednekar, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 18th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking anticipatory bail in C.R.No.602 of 2007 of Saki Naka Police Station. The said case is under Section 420 r/w. 34 of IPC and under Section 4 of the Dowry Prohibition Act.

3. It is the case of the complainant that the marriage of his daughter Suman was fixed with applicant No.2 - Pritam. Thereafter, the

applicants accepted Rs.90,000/- towards dowry and they also insisted for a motorcycle. Thereafter there was again demand for Rs.2,50,000/- and threats were given if the amount was not paid the marriage would be broken.

4. Mr.Warunjikar submitted that the marriage was not performed. He has submitted that the marriage was not performed as it was found that bridegroom i.e. applicant No.2 Pritam was younger than the bride i.e. Suman. Mr.Warunjikar has stated that the applicants have not received any amount as stated by the complainant and no dowry was demanded by them of Rs.90,000/-. However, the FIR shows that Rs.90,000/- was accepted as dowry by the applicants. The learned APP states that the custody of the applicants is necessary for recovery of the said amount of Rs.90,000/-.

5. At this stage, Mr.Warunjikar on instructions from applicant No.1 who is present in Court, has stated that though the applicants have not accepted the amount of Rs.90,000/- from the complainant, only to show their *bonafides* the applicants are willing to deposit the amount of

Rs.90,000/- in this Court.

6. In my view, if the applicants deposits the said amount of Rs.90,000/- in this Court, the custody of the applicants would not be necessary. Hence, I am inclined to grant anticipatory bail to the applicants.

7. In the event of arrest, the applicants Shiv Bachan Ramagya Rajbhor and Pritam Shiv Bachan Rajbhor to be released on bail in the sum of Rs.20,000/- each with one or two sureties to make up the said amount. The applicants shall report to Sakinaka Police Station as and when required, till conclusion of the trial.

8. It is clarified that the said amount of Rs.90,000/- is to be deposited by the applicants in this Court by 31st May, 2007. Till the trial is concluded office to invest the said amount of Rs.90,000/- which has been deposited by the applicants in this Court, with any nationalised bank for a period of three years and thereafter for any suitable period till conclusion of the trial. If the said amount is not deposited by

31st May, 2007, this order granting anticipatory bail shall automatically stand cancelled and the applicants can be taken into custody.

9. It is made clear that the deposit of amount of Rs.90,000/- by the applicants shall not be construed as an admission of their guilt or their involvement in the said case in any manner. At the end of the trial, the learned Sessions Judge shall pass appropriate orders in respect of the amount of Rs.90,000/- deposited by the applicants in this Court.

10. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)